

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FRANK FORD,)	
)	
Plaintiff,)	
)	
vs.)	NO: 17-cv-805
)	
STUTZ EXCAVATING, INC.,)	
a corporation,)	
)	
Defendant.)	

COMPLAINT

COUNT I

Negligence

Now comes the plaintiff, Frank Ford, by and through his attorneys, Bonifield & Rosenstengel, PC and for his cause of action against the defendant, Stutz Excavating, Inc., a corporation, respectfully represents unto the Court as follows:

1. The plaintiff is a citizen of St. Louis, Missouri.
2. The defendant is a corporation incorporated in the State of Illinois and whose principal place of business is in Alton, Madison County, State of Illinois.
3. The amount of controversy in this case is in excess of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of attorneys fees and costs.
4. On November 23, 2015, the plaintiff was lawfully on the property of Stutz Excavating, Inc., located at 3837 Fosterburg Road, Alton, IL 62202.
5. At the above mentioned time and place it was the duty of the defendant, Stutz Excavating, Inc., to provide a reasonably safe environment so others would not be injured while lawfully on the premises of the defendant, but that duty notwithstanding committed one or more of the following acts and/or omissions which alone or in combination constitutes negligence:
 - a. They failed to restrain their dog when they knew of its tendencies to attack people, including the plaintiff;

- b. They failed to warn the plaintiff that the dog was likely to attack the plaintiff;

5. As a direct and proximate result of one or more the foregoing acts and/or omissions on the part of the defendant, which constitutes negligence, the dog owned by the defendant attacked the plaintiff causing injuries and damages as hereinafter set forth:

- a. He has incurred medical bills in the past and is likely to incur medical bills in the future;
- b. He has suffered a loss of income;
- c. He has suffered pain in the past and is likely to suffer pain in the future as a result of his injuries;
- d. He has suffered a loss of normal life;
- e. He has suffered disfigurement.

Wherefore, plaintiff prays for judgment against the defendant, Stutz Excavating, Inc., in excess of Seventy Five Thousand Dollars (\$75,000.00) plus costs of this suit.

COUNT II

Animal Control Act

Now comes the plaintiff, Frank Ford, by and through his attorneys, Bonifield & Rosenstengel, PC and for his cause of action against the defendant, Stutz Excavating, Inc., a corporation, respectfully represents unto the Court as follows:

- 1. The plaintiff is a citizen of St. Louis, Missouri.
- 2. The defendant is an Illinois corporation with its principal place of business located at 3837 Fosterburg Road, Alton, Madison County, State of Illinois.
- 3. On November 23, 2015, the plaintiff was lawfully on the property of Stutz Excavating, Inc., at 3837 Fosterburg Road, Alton, Madison County, Illinois, and was in all ways conducting himself in a peaceful manner.
- 4. At the above mentioned time and place, the defendant had a dog which was unrestrained on its property near its office.

5. At the above mentioned time and place, the dog owned by the defendant without provocation, attacked and injured the plaintiff who was peaceably conducting himself while lawfully on the defendant's property.

6. As a direct and proximate result of the foregoing, the plaintiff suffered injuries and damages as hereinafter set forth:

- a. He has incurred medical bills in the past and is likely to incur medical bills in the future;
- b. He has suffered lost income;
- c. He has suffered pain in the past and is likely to suffer pain in the future;
- d. He has suffered loss of a normal life;
- e. He has suffered disfigurement.

7. The animal control act 510 ILCS 5/16 states: "If a dog or other animal, without provocation, attacks, attempts to attack, or injures any person who is peaceably conducting himself or herself in any place where he or she may lawfully be, the owner of such dog or other animal is liable in civil damages to such person for the full amount of the injury proximately caused thereby."

Wherefore, plaintiff prays for judgment against the defendant, Stutz Excavating, Inc., in excess of Seventy Five Thousand Dollars (\$75,000.00) plus costs of this suit.

FRANK FORD,

s/Jon E. Rosenstengel
Jon E. Rosenstengel
Bonifield & Rosenstengel, PC
16 East Main Street
Belleville, IL 62220-1620
Ph: 618/277-7740; 271-1414
Fx: 618/277-5155
www.brlawfirm.com
jon@brlawfirm.com

PLAINTIFF REQUESTS CLERK TO ISSUE SUMMONSES.

THE DEFENDANT MAY BE SERVED AS FOLLOWS:

Stutz Excavating

Serve Registered Agent:

Christopher David Stutz

3837 Fosterburg Road

Alton, IL 62002